

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: SPENCER MUNICIPAL COMMUNICATION UTILITY	DOCKET NO. 199 IAC 39.2(4)
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ORDER DESIGNATING ELIGIBLE CARRIER

(Issued February 25, 2002)

On January 29, 2002, Spencer Municipal Communication Utility (SMCU) filed a request for universal service eligible telecommunications carrier status in Iowa. SMCU asks that the Utilities Board (Board) designate SMCU as an eligible telecommunications carrier pursuant to 199 IAC 39.2(4).

Board rule 39.2 provides a means by which the Board can designate Iowa telecommunication companies to be eligible to receive funding from the universal service fund, as defined by the Telecommunications Act of 1996, 47 U.S.C. § 254. Under the Act (and Federal Communications Commission regulations implementing the Act), the Board must determine that a carrier meets the following service requirements before it may be designated an eligible carrier, as set forth in subrule 39.2(4):

- 1) Offer the services supported by the federal universal service fund;
- 2) Offer the service using its own facilities or a combination of its own facilities and resale (47 C.F.R. § 54.201(c) provides that "own facilities" includes purchased unbundled network elements):

- 3) Advertise the availability of the supported services; and
- 4) Offer the services throughout the designated service area.

In its request for designation, SMCU states that it satisfies each of these requirements. Based on that representation, the Board finds that SMCU offers the services supported by the federal universal service fund using its own facilities or a combination of its own facilities and resale. The Board also finds that SMCU advertises and offers the services throughout its designated service area.

IT IS THEREFORE ORDERED:

1. Eligible telecommunications carrier status is granted to Spencer Municipal Communication Utility (SMCU) as requested on January 29, 2002. The designated service area for SMCU shall be SMCU's service territory as established in its certificate of public convenience and necessity.
2. The Executive Secretary of the Board shall mail copies of this order to SMCU, the Universal Service Administration Company, the FCC Universal Service Branch, and the FCC Office of the Secretary.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 25th day of February, 2002.